

REMARKS

In the Office Action, the Examiner rejected claims 1-70. By the present Response, Applicants amend claims 1, 19, 31, 38, 49, and 63 to further clarify the claimed subject matter. Upon entry of the amendments, claims 1-70 will remain pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the foregoing amendments and the following remarks.

Interview Summary

Applicants thank the Examiner for his participation in a telephonic interview with Applicants' representative on May 17, 2006. In this interview, the parties discussed the filing of the present Request for Continued Examination to allow the Examiner to consider an Information Disclosure Statement filed herewith. The claims and art of record in the present application were not specifically addressed.

Rejections Under 35 U.S.C. § 112

Applicants note that the Final Office Action included a rejection of claim 17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In response to Applicants arguments in the Appeal Brief filed January 17, 2006, the Examiner withdrew this rejection. *See* Examiner's Answer mailed March 31, 2006, page 3. Applicants thank the Examiner for his consideration of the previous arguments and withdrawal of this rejection.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-15, 17-34, 36-46, 48-53, and 62-70 under 35 U.S.C. § 102(e) as anticipated by Andrew (U.S. Patent No. 6,763,139). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Omitted Features of the Independent Claims

Turning now to the present claims, the Andrew reference fails to disclose each element of amended independent claims 1, 19, 31, 38, 49, and 63. For instance, independent claim 1, as amended, recites “receiving a request for at least a portion of the data stream, wherein the steps of decomposing, tessellating, compressing, compiling, and storing are performed *prior to receiving any request* from a client for data of the data stream” (emphasis added). Amended independent claim 19 recites that a data stream “is stored in a losslessly compressed form *on a server independent of any request from a client* for data of the data sets” (emphasis added). Claims 31, 38, 49, and 63 contain various recitations generally directed to storing or tessellating data independent of client requests. Because the Andrew reference fails to disclose such elements, the cited reference fails to anticipate the present independent claims.

The Andrew reference is generally directed to a technique for encoding and decoding a localized portion of a digital image. Col. 1, lines 7-10. Andrew teaches an encoding process 100 that includes a decomposition step 103 to arrange a bit stream 500

of decomposed data. Col. 4, line 66 – col. 5, line 8; col. 8, lines 29-30; FIG. 1. However, the Andrew reference appears to be silent as to storing tessellated data or a data stream on a server for client access, in a losslessly compressed form or otherwise; storing such data independent of client requests for data; and performing a number of processing steps including decomposing, tessellating, compressing, compiling, and storing prior to receiving any client request, as variously recited by the instant claims.

Because the Andrew reference fails to disclose or even mention each and every element, the cited reference fails to anticipate independent claims 1, 19, 31, 38, 49, and 63, as well as their respective dependent claims. For at least these reasons, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102 and allowance of claims 1-15, 17-34, 36-46, 48-53, and 62-70.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 54-61 under 35 U.S.C. § 103(a) as unpatentable over Andrew in view of Cooke, Jr. et al. (U.S. Patent No. 6,574,629). Additionally, the Examiner rejected claims 16, 35, and 47 under 35 U.S.C. § 103(a) as unpatentable over Andrew in view of Sodagar et al. (U.S. Patent No. 6,157,746). Applicants respectfully traverse these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a

convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

Claim Features Omitted from Cited References

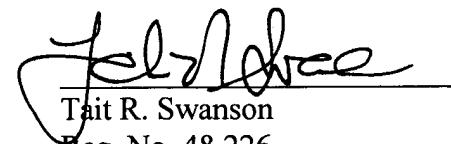
Applicants note that each of claims 16, 35, 47, and 54-61 depends from one of independent claims 1, 31, 38, or 49. As discussed above, the Andrew reference fails to disclose each element of these independent claims. Further, the Cook, Jr. et al. and Sodagar et al. references do nothing to obviate the deficiencies of the Andrew reference. As a result, dependent claims 16, 35, 47, and 54-61 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter separately recited in these dependent claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 16, 35, 47, and 54-61.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: May 31, 2006



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